

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES ERNEST DICKERSON,

Petitioner,

v.

CAROL PORTER,

Respondent.

Case No. C05-5793RJB

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court upon the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, filed June 1, 2006 (Dkt. 85-1), the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, filed July 10, 2006 (Dkt. 94-1), Petitioner's Motion to Seeking Indictments (Dkt. 95), Petitioner's Motion of Intent to File Writ Amicus Curiae (Dkt. 97), and Petitioner's Motion to Subpoena (Dkt. 98). The Court has reviewed the Reports and Recommendations of the Hon. J. Kelley Arnold United States Magistrate Judge, Petitioner's Objections, Petitioner's various other motions, and the remaining record.

Petitioner challenges his Clallam County Superior Court conviction of attempted first degree murder. Dkt. 4. On June 1, 2006, Judge Arnold recommended dismissal of the petition with prejudice as time barred pursuant to the Antiterrorism and Effective Death Penalty Act's ("AEDPA") Section 2244(d)(1). Dkt. 85-1. Petitioner files objections, arguing that the AEDPA applies only to

1 people on death row and to terrorists, and therefore not to him. Dkt. 93. Petitioner is incorrect. 28  
 2 U.S.C. § 2244(d)(1) provides, “[a] 1-year statute of limitation shall apply to an application for a writ  
 3 of habeas corpus by a person in custody pursuant to the judgment of a State court.” Review of the  
 4 relevant record and the Report and Recommendation reveals that this petition is time barred and that  
 5 no exceptions apply. The Report and Recommendation, filed June 1, 2006, should be adopted and  
 6 this petition should be dismissed.

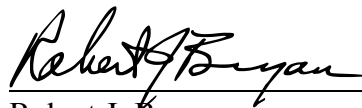
7 Petitioner made two motions for protective orders which were filed with the Clerk of the  
 8 Court the day before the June 1, 2006 Report and Recommendation was entered, but not entered  
 9 into the record until after the Report and Recommendation was filed. Dkts. 90 and 91. These  
 10 motions are largely unreadable. *Id.* Judge Arnold issued a second Report and Recommendation  
 11 addressing these motions. Dkt. 94-1. The Report and Recommendation properly notes that these  
 12 motions deal with issues unrelated to the petition currently before the Court. *Id.*, at 3. The Report  
 13 and Recommendation should be adopted and these motions denied.

14 On July 24, 2006, Petitioner filed a Motion to Seeking Indictments (Dkt. 95), a Motion of  
 15 Intent to File Writ Amicus Curiae (Dkt. 97), and a Motion to Subpoena (Dkt. 98). These motions  
 16 should be stricken as moot in light of above dismissal of the petition.

17 Therefore, it is hereby **ORDERED**:

- 18 (1) The Court **ADOPTS** the Reports and Recommendations (Dkts. 85-1 and 94-1);
- 19 (2) Petitioner’s Motions for Protective Orders (Dkts. 90 and 91) are **DENIED**;
- 20 (3) The petition is **DISMISSED WITH PREJUDICE** for the reasons set forth in the  
 21 Report and Recommendation.
- 22 (4) Petitioner’s Motion to Seeking Indictments (Dkt. 95), and a Motion of Intent to File  
 23 Writ Amicus Curiae (Dkt. 97), and a Motion to Subpoena (Dkt. 98) are **STRICKEN**  
**AS MOOT**.
- 24 (5) The clerk is directed to send copies of this Order to Petitioner, counsel for  
 25 Respondent, and to the Hon. J. Kelley Arnold.

26 DATED this 31<sup>st</sup> day of July, 2006.

27   
 28 Robert J. Bryan  
 United States District Judge